

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

IN CLERK'S OFFICE  
U.S. DISTRICT COURT, NEW YORK  
★ OCT 06 2005 ★

EDWIN CANDELARIA,

P.M. \_\_\_\_\_  
TIME A.M. \_\_\_\_\_

Plaintiff, ORDER OF DISMISSAL

CV 2004-5556 (ARR) (MDG)

- against -

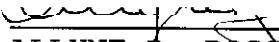
LONG ISLAND RAIL ROAD COMPANY,

Defendant.

The parties having advised the Court that they have reached an agreement to settle this action and no party being an infant or incompetent, it is hereby

ORDERED, that this action is discontinued with prejudice and without costs to any party, but with leave to re-open if the settlement agreement is not consummated and application for reinstatement is made within sixty days of the date of this Order.

Dated: Brooklyn, New York  
October 5, 2005

  
ALLYNE P. ROSS  
UNITED STATES DISTRICT JUDGE

DF

**MICHAEL D. FLYNN**

ATTORNEY AT LAW  
11 PENN PLAZA – FIFTH FL  
NEW YORK, NEW YORK 10001

212-946-2718  
FAX 212 946-2722

VALERIE J. LAURIELLO

October 4, 2005  
718-260-2556

Honorable Marilyn Dolan Go  
U.S. Magistrate Judge  
United States District Court  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: Candelaria v. LIRR, CV-04-5556.

Honorable Madam:

May it please the Court.

The undersigned respectfully requests, with the consent of his adversary, Christopher P. Yodice, attorney for the defendant LIRR, that the telephone conference scheduled for Tuesday, October 4, 2005, 1:45 PM be canceled.

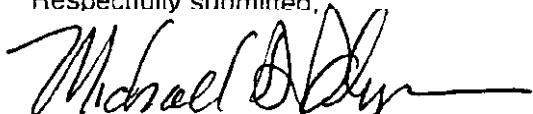
The case has been settled forth sum of \$235,000.00. The parties will execute a Stipulation of Discontinuance and same will be filed with the Court by the attorney for the defendant within thirty days.

The Court is authorized to discontinue the action, with leave to reopen if the settlement is not consummated within 60 days hereof.

The attorneys thank your Honor for her effort, patience and time in resolving this matter.

Wherefore, for good cause shown, it is respectfully requested that the court cancel the October 4, 2005, telephone conference.

Respectfully submitted,



Michael D. Flynn (MF 2802)

Copy to:  
Christopher P. Yodice, Esq.  
Attorney for Defendant LIRR  
Via Fax 718-558-8211